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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID MOORE,

Defendant and Appellant.

B213599

(Los Angeles County  
Super. Ct. No. NA074423)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Mark C. Kim, Judge. Affirmed.

Stephen M. Hinkle, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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David Moore appeals from the post-judgment order revoking his probation and executing a previously suspended state prison sentence.

On May 22, 2007, Moore was charged in a single-count felony complaint with possession of a concealed firearm in violation of Penal Code section 12025, subdivision (a)(2). On May 30, 2007, Moore waived his right to a preliminary hearing and trial and pleaded no contest to the charged offense. The trial court suspended imposition of sentence and placed Moore on three years formal probation on condition he serve 19 days in county jail with credit for time served. Among the conditions of probation, Moore was ordered to perform 45 days of service for the California Department of Transportation (Caltrans).

On November 15, 2007, the trial court summarily revoked Moore's probation and remanded him to custody. On December 11, 2007, Moore waived his right to a revocation hearing and admitted he had violated probation by failing to obey all laws. The court sentenced Moore to the upper term of three years in state prison, suspended execution of sentence, and reinstated Moore on probation with modified conditions pertaining to substance abuse and requiring him to complete one day of Caltrans work each week.

On March 11, 2008, Moore's probation was summarily revoked following his arrest. At the May 21, 2008 probation revocation hearing, Valerie Kane, Moore's probation officer testified Moore had completed only five days of Caltrans work to date, having failed to perform one day of Caltrans work each week as previously ordered. Moore testified in his defense his efforts to comply with the order were hindered by various financial and family problems.

After listening to counsels' arguments, the trial court found Moore in violation of probation and declined to reinstate probation. The court ordered executed the previously stayed three-year state prison sentence and awarded Moore 177 days of presentence credit (139 actual days and 38 days of conduct credit). The court ordered Moore to pay a \$20 security assessment and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45.

We appointed counsel to represent Moore on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On August 10, 2009, we advised Moore that he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Moore's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The post-judgment order revoking probation and executing the previously suspended state prison sentence is affirmed.

WOODS, Acting P. J.

We concur:

ZELON, J.

JACKSON, J.